

**Department of Health & Human Services  
Administration for Children and Families**

*This announcement was published in Federal Register, Vol. 72, No. 249, December 31, 2007.*

**Program Office:** Administration on Children, Youth, and Families (ACYF), Family and Youth Services Bureau (FYSB)

**Program Announcement Number:** HHS-2008 ACF-ACYF-SDVC-0122

**Announcement Title:** Family Violence Prevention and Services/Grants to State Domestic Violence Coalitions

**CFDA Number:** 93.591

**Due Date for Applications:** 01/30/2008

**Executive Summary:** This announcement governs the proposed award of formula grants under the Family Violence Prevention and Services Act (FVPSA) to private, non-profit State Domestic Violence Coalitions (Coalitions). The purpose of these grants is to assist in the conduct of activities to promote domestic violence intervention and prevention and to increase public awareness of domestic violence issues.

This notice for family violence prevention and services grants to Coalitions serves two purposes. The first is to confirm a Federal commitment to reducing domestic violence; and the second purpose is to urge States, localities, cities, and the private sector to become involved in State and local planning towards an integrated service delivery approach.

## **I. DESCRIPTION**

**Legislative Authority:** Title III of the Child Abuse Amendments of 1984 (P.L. 98-457, 42 U.S.C. 10401 et seq.) is entitled the "Family Violence Prevention and Services Act" (FVPSA). FVPSA was first

implemented in Fiscal Year (FY) 1986. The statute was subsequently amended by P.L. 100-294, the "Child Abuse Prevention, Adoptions, and Family Services Act of 1988;" further amended in 1992 by P.L. 102-295, the "Child Abuse, Domestic Violence, Adoption, and Family Services Act;" and then amended in 1994 by P.L. 103-322, the "Violent Crime Control and Law Enforcement Act." FVPSA was amended again in 1996 by P.L. 104-235, the "Child Abuse Prevention and Treatment Act (CAPTA);" in 2000 by P.L. 106-386, the "Victims of Trafficking and Violence Protection Act," and amended further by P.L. 108-36, the "Keeping Children and Families Safe Act of 2003." FVPSA was most recently amended by P.L. 109-162, the "Violence Against Women and Department of Justice Reauthorization Act of 2005" as amended by P.L. 109-271, which was enacted on August 17, 2006.

### ***Background***

Section 311 of FVPSA authorizes the U.S. Department of Health and Human Services (HHS) Secretary to award grants to statewide, private, non-profit State Domestic Violence Coalitions (Coalitions) to conduct activities to promote domestic violence intervention and prevention and to increase public awareness of domestic violence issues.

### ***Annual State Domestic Violence Coalition Grantee Conference***

Coalitions should plan to send one or more representatives to the annual grantee conference. Subsequent correspondence will advise Coalition administrators of the date, time, and location of their grantee conference.

### ***Client Confidentiality***

FVPSA programs must establish or implement policies and protocols for maintaining the safety and confidentiality of the adult victims of domestic violence and their children. It is essential that the confidentiality of individuals receiving FVPSA services be protected. Consequently, when providing statistical data on program activities and program services, individual identifiers of client records will not be used (see Section 303(a)(2)(E)).

The confidentiality provisions described at 42 U.S.C. Sec. 13701, apply to programs funded by the Violence Against Women Act, as amended, including certain awards made under the Family Violence Prevention and Services Act. These confidentiality requirements were strengthened and clarified with the passage of the Violence Against Women Reauthorization Act of 2005, P.L. 109-162, as amended by P.L.

109-271. The revised confidentiality provisions impose conditions regarding the disclosure of personally identifying information, confidentiality, information sharing, and compulsory release of information.

### ***Stop Family Violence Postal Stamp***

The U.S. Postal Service was directed by P.L. 107-62, the “Stamp Out Domestic Violence Act of 2001” (the Act) to make available a “semipostal” stamp to provide funding for domestic violence programs. Funds raised in connection with sales of the stamp, less reasonable costs, have been transferred to HHS in accordance with the Act for support of services to children and youth affected by domestic violence. As of FY 2007, \$3.2 million has been transferred and made available in support of grants for “Demonstration Programs for Enhanced Services to Children and Youth Who Have Been Exposed to Domestic Violence.” Projects in nine States and communities have been funded to develop and test new intervention models for children who witness domestic violence and their parents, and to increase direct services for these families in domestic violence and other community-based programs. ACF anticipates developing a collection of promising practices emerging from these demonstration projects.

### ***The Importance of Coordination of Services***

The impacts of domestic violence include physical injury and death of primary or secondary victims, psychological trauma, isolation from family and friends, harm to children witnessing or experiencing violence in homes in which the violence occurs, increased fear, reduced mobility and employability, homelessness, substance abuse, and a host of other health and related mental health consequences.

Coordination and collaboration among the police, prosecutors, the courts, victim services providers, child welfare and family preservation services, and medical and mental health service providers is needed to provide more responsive and effective services to victims of domestic violence and their families. It is essential that all interested parties are involved in the design and improvement of intervention and prevention activities.

To help bring about a more effective response to the problem of domestic violence, HHS urges the designated Coalitions receiving funds under this grant announcement to continue to coordinate activities funded under this grant with other new and existing resources (including community and faith-based organizations) that focus on the prevention of domestic violence and related issues.

## ***National Data Collection and Outcomes Measurement***

The need to accurately communicate reliable and appropriate data that captures the impact of domestic violence prevention and intervention efforts and to provide shelters, States, State Domestic Violence Coalitions, Tribes, and Tribal organizations with tools for self-assessment continues through FVPSA Program participation in the Documenting our Work (DOW) Initiative, a collaboration among the National Resource Center on Domestic Violence, and selected representatives from the coalitions and national domestic violence organizations. In collaboration with our partners at the State FVPSA programs, State Domestic Violence Coalitions, Tribes, and Tribal organizations, and experts on both data collection and domestic violence prevention issues, the effort to develop informative, succinct, and non-burdensome reporting formats continues.

During FY 2007, in concert with State FVPSA administrators, State Domestic Violence Coalitions, and local service providers, the FVPSA Program revised and defined the program services reporting components for recipients of FVPSA State Formula Grant funds and piloted outcome data collection in four States. Throughout FY 2008, grantee workshops, teleconferences, and information memoranda will provide further guidance on future performance reporting requirements for these grantees.

## **II. FUNDS AVAILABLE**

In FY 2008, HHS will make 10 percent of the amount appropriated under section 310(a)(1) of the FVPSA, which is not reserved under section 310(a)(2), available for grants to the State-designated, statewide, domestic violence Coalitions. One grant will be available for each of the Coalitions in the 50 States, the Commonwealth of Puerto Rico, and the District of Columbia. The Coalitions of the U.S. Territories (Guam, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, and Trust Territory of the Pacific Islands) are also eligible for grant awards under this announcement.

### ***Expenditure Period***

FVPSA funds may be used for expenditures on or after October 1 of each fiscal year for which they are granted and will be available for expenditure through September 30 of the following fiscal year, i.e., FY 2008 funds may be used for expenditures from October 1, 2007, through September 30, 2009. Funds are available for obligation only through September 30, 2008, and must be liquidated by September 30, 2009.

### **III. ELIGIBILITY**

To be eligible for grants under this program announcement, an organization shall be designated as a statewide, private, non-profit Domestic Violence Coalition meeting the following criteria (section 311 (b)):

- (1) The membership of the Coalition includes representatives from a majority of the programs for victims of domestic violence operating within the State (a Coalition may include representatives of Indian Tribes and Tribal organizations as defined in the Indian Self-Determination and Education Assistance Act) (section 311 (f));
- (2) The Board membership of the Coalition is representative of such programs;
- (3) The purpose of the Coalition is to provide services, community education, and technical assistance to domestic violence programs in order to establish and maintain shelter and related services for victims of domestic violence and their children; and
- (4) In the application submitted by the Coalition for the grant, the Coalition provides assurances satisfactory to the Secretary that the Coalition:
  - a) Has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and
  - b) Will actively seek and encourage the participation of such entities in the activities carried out with the grant.

#### ***Additional Information on Eligibility***

##### **D-U-N-S Requirement**

All applicants must have a D&B Data Universal Numbering System (D-U-N-S) number. On June 27, 2003, the Office of Management and Budget (OMB) published in the *Federal Register* a new Federal policy applicable to all Federal grant applicants. The policy requires Federal grant applicants to provide a D-U-N-S number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The D-U-N-S number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal, [www.Grants.gov](http://www.Grants.gov). A D-U-N-S number will be

required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement, and block grant programs, submitted on or after October 1, 2003.

Please ensure that the applicant organization has a D-U-N-S number. To acquire a D-U-N-S number, call the dedicated toll-free D-U-N-S number request line at 1-866-705-5711 or request a number on-line at: <http://www.dnb.com>. There is no cost to request or acquire a D-U-N-S number.

### ***Survey for Private Non-Profit Grant Applicants***

Private, non-profit organizations are encouraged to submit with their applications the survey titled "Survey on Ensuring Equal Opportunity for Applicants" found under the "Survey" heading at: [http://www.acf.hhs.gov/grants/grants\\_resources.html](http://www.acf.hhs.gov/grants/grants_resources.html).

## **IV. APPLICATION REQUIREMENTS FOR STATE DOMESTIC VIOLENCE COALITION (COALITIONS) APPLICATIONS**

This section includes application requirements for FVPSA grants for Coalitions, as follows:

### **The Paperwork Reduction Act of 1995 (P.L. 104-13)**

Public reporting burden for this collection of information is estimated to average six hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection of information.

The project description is approved under the Office of Management and Budget (OMB) control number 0970-0280, which expires October 31, 2008. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

### ***Form and Content of Application Submission***

The Coalition application must be signed by the Executive Director of the Coalition or the official designated as responsible for the administration of the grant. The application must contain the following information:

(We have cited each requirement to the specific section of the law.)

- (1) A description of the process and anticipated outcomes of utilizing these Federal funds to work with local domestic

violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including –

Training and technical assistance for local programs and professionals working in the field:

- (a) Planning and conducting State needs assessments and planning for comprehensive services;
  - (b) Serving as an information clearinghouse and resource center for the State; and
  - (c) Collaborating with other governmental systems that affect battered women (Section 311(a)(1)).
- (2) A description of the public education campaign regarding domestic violence to be conducted by the Coalition through the use of public service announcements and informative materials that are designed for print media; billboards; public transit advertising; electronic broadcast media; and other forms of information dissemination that inform the public about domestic violence, including information aimed at underserved racial, ethnic or language-minority populations (Section 311(a)(4)).
- (3) The anticipated outcomes and a description of planned grant activities to be conducted in conjunction with judicial and law enforcement agencies concerning appropriate responses to domestic violence cases and an examination of related issues as set forth in Section 311(a)(2) of the FVPSA.
- (4) The anticipated outcomes and a description of planned grant activities to be conducted in conjunction with Family Law Judges, Criminal Court Judges, Child Protective Services agencies, Child Welfare agencies, Family Preservation and Support Service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases and in cases where domestic violence and child abuse are both present including the appropriate responses identified in section 311 (a)(3) of the FVPSA. The anticipated outcomes and a description of other activities in support of the general purpose of furthering domestic violence intervention and prevention (Section 311(a)(3)).
- (5) The following documentation will certify the status of the Coalition and must be included in the grant application:
  - (a) A description of the procedures developed between the

State domestic violence agency and the statewide Coalition that allow for implementation of the following cooperative activities:

- (i) The participation of the Coalition in the planning and monitoring of the distribution of grants and grant funds provided in the State (Section 311(a)(5)); and
- (b) The participation of the Coalition in compliance activities regarding the State's family violence prevention and services program grantees (Sections 303(a)(2)(C) and (a)(3)).

Unless already on file at HHS, a copy of a currently valid 501(c)(3) certification letter from the IRS stating private, non-profit status; or a copy of the applicant's listing in the IRS' most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code; or a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled;

- (c) A current list of the organizations operating programs for victims of domestic violence programs in the State and the applicant Coalition's current membership list by organization;
  - (d) A list of the applicant Coalition's current Board of Directors, with each individual's organizational affiliation and the Chairperson identified;
  - (e) A list of any Coalition or contractual staff to be supported by funds from this grant; and
  - (f) A budget narrative that clearly describes the planned expenditure of funds under this grant.
- (6) Required Documentation and Assurances (included in the application as an attachment):
- (a) The applicant Coalition must provide documentation in the form of support letters, memoranda of agreement, or jointly signed statements, that the Coalition:
    - (i) Has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial organizations in the preparation of the grant application



- (Section 311(b)(4)(A)); and
- (ii) Will actively seek and encourage the participation of such organizations in grant funded activities (Section 311(b)(4)(B)).
- (b) The applicant Coalition must provide a signed statement that the Coalition will not use grant funds, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive Order or similar legal document by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress, or any State, or local legislative body, or State proposals by initiative petition, except where representatives of the Coalition are testifying, or making other appropriate communications, either when formally requested to do so by a legislative body, a committee, or a member of such organization (Section 311(d)(1)); or in connection with legislation or appropriations directly affecting the activities of the Coalition or any member of the Coalition (Section 311(d)(2)).
  - (c) The applicant Coalition must provide a signed statement that the Coalition will prohibit discrimination on the basis of age, handicap, sex, race, color, national origin or religion (Section 307).
  - (d) The applicant will comply with Departmental requirements for the administration of grants under 45 CFR Part 74 – Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Non-profit Organizations and Commercial Organizations.

### ***Certifications***

All applicants must submit or comply with the required certifications found in the Appendices, as follows:

**Anti-Lobbying Certification and Disclosure Form must be signed and submitted with the application** (See *Appendix A*): Applicants must furnish prior to award an executed copy of the Standard Form (SF) LLL, *Certification Regarding Lobbying*, when applying for an award in excess of \$100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form, if applicable, with

their applications (approved by OMB under control number 0348-0046). **Applicants should sign and return the certification with their application.**

**Certification Regarding Environmental Tobacco Smoke** (See *Appendix B*): The Pro-Children Act of 1994, 20 U.S.C. 7183, imposes restrictions on smoking in facilities where federally funded children's services are provided. HHS grants are subject to these requirements only if they meet the Act's specified coverage. The Act specifies that smoking is prohibited in any indoor facility (owned, leased, or contracted for) used for the routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18. In addition, smoking is prohibited in any indoor facility or portion of a facility (owned, leased, or contracted for) used for the routine or regular provision of federally funded health care, day care, or early childhood development, including Head Start services to children under the age of 18. The statutory prohibition also applies if such facilities are constructed, operated, or maintained with Federal funds. The statute does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, portions of facilities used for inpatient drug or alcohol treatment, or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per violation and/or the imposition of an administrative compliance order on the responsible entity.

**Certification Regarding Drug-Free Workplace Requirements** (See *Appendix C*): The signature on the application by the program official attests to the applicants' intent to comply with the Drug-Free Workplace requirements and compliance with the Debarment Certification. The Drug-Free Workplace certification does not have to be returned with the application.

These certifications also may be found at:

[http://www.acf.hhs.gov/grants/grants\\_resources.html](http://www.acf.hhs.gov/grants/grants_resources.html).

### ***Notification Under Executive Order 12372***

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs" for State plan consolidation and simplification only – 45 CFR 100.12. The review and comment provisions of the Executive Order and Part 100 do not apply.

**Applications should be sent to:**

Family Violence Prevention and Services Program  
Family and Youth Services Bureau  
Administration on Children, Youth and Families  
Administration for Children and Families  
Attention: Marylouise Kelley  
1250 Maryland Avenue, SW.  
Room 8215  
Washington, DC 20024

## **V. REPORTING REQUIREMENTS**

### ***Performance Reports***

The Coalition grantee must submit an annual report of activities describing the coordination, training and technical assistance, needs assessment, and comprehensive planning activities carried out. Additionally, the Coalition must report on the public information and education services provided; the activities conducted in conjunction with judicial and law enforcement agencies; the actions conducted in conjunction with other agencies such as the State child welfare agency; and any other activities undertaken under this grant award. The annual report also must provide an assessment of the effectiveness of the grant-supported activities.

The annual report is due 90 days after the end of the fiscal year in which the grant is awarded, i.e., December 29. Annual reports should be sent to:

Family Violence Prevention and Services Program  
Family and Youth Services Bureau  
Administration on Children, Youth and Families  
Administration for Children and Families  
Attention: Marylouise Kelley  
1250 Maryland Avenue, SW.  
Room 8215  
Washington, DC 20024

Please note that HHS may suspend funding for an approved application if any applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this announcement.

### ***Financial Status Reports***

Grantees must submit annual Financial Status Reports. The first SF-269A is due December 29, 2008. The final SF-269A is due December 29, 2009. SF-269A can be found at:

[http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html).

Completed reports should be sent to:

Manolo Salgueiro  
Division of Mandatory Grants  
Office of Grants Management  
Office of Administration  
Administration for Children and Families  
370 L'Enfant Promenade SW.  
Washington, DC 20447

Grantees have the option to submit their reports online through the Online Data Collection (OLDC) system:

<https://extranet.acf.hhs.gov/ssi>.

Failure to submit reports on time may be a basis for withholding grant funds, suspension or termination of the grant. In addition, all funds reported after the obligation period will be recouped.

## **VI. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS**

Grantees are subject to the requirements in 45 C.F.R. Part 74 (non-governmental) or 45 CFR Part 92 (governmental).

Direct Federal grants, sub-award funds, or contracts under this ACF program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program. Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found at the HHS web site at: <http://www.hhs.gov/fbci/waisgate21.pdf>.

A faith-based organization receiving HHS funds retains its independence from Federal, State, and local governments and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs. For example, a faith-based organization may use space in its facilities to provide secular programs or services funded with Federal funds without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization that receives Federal funds retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents in accordance with program requirements, statutes, and other applicable requirements governing the conduct of HHS funded activities.

Faith-based and community organizations may reference the "Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government" at:

<http://www.whitehouse.gov/government/fbci/guidance/index.html>.

## **VII. OTHER INFORMATION**

**For Further Information Contact:** Marylouise Kelley at (202) 401-5756 or e-mail at [Marylouise.Kelley@acf.hhs.gov](mailto:Marylouise.Kelley@acf.hhs.gov).

**Date:** 12/20/2007      Joan E. Ohl  
Commissioner  
Administration on Children, Youth and Families

Appendices:      Required Certifications:  
A. Anti-Lobbying and Disclosure  
B. Environmental Tobacco Smoke  
C. Drug-Free Workplace Requirements

## ***Appendix A***

### **CERTIFICATION REGARDING LOBBYING**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to

influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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Signature

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Title

***Appendix B***

**CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE**

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

***Appendix C***

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

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This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services,

the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

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### **Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)**

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:



*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

*Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

*Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

## **Certification Regarding Drug-Free Workplace Requirements**

### **Alternate I. (Grantees Other Than Individuals)**

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about –
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for

drug abuse violations occurring in the workplace;

- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within 10 calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:  
Place of Performance (Street address, city, county, State, zip code)

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Check if there are workplaces on file that are not identified here.

**Alternate II. (Grantees Who Are Individuals)**

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.